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FISCAL IMPACT STATEMENT

LS 6719

BILL NUMBER: SB 241

NOTE PREPARED: Jan 21, 2010

BILL AMENDED:

SUBJECT: Local Government Issues.

FIRST AUTHOR: Sen. Lawson C

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: *County Chief Executive Officer-* The bill provides that in counties other than Marion County, the county legislative body may adopt an ordinance providing that the voters of the county shall elect a single county chief executive officer to serve as the county executive and a county council that has the legislative and fiscal powers and duties of the county. The bill provides that such an ordinance to change the structure of county government may be adopted only during an odd-numbered year or before July 1 of an even-numbered year. The bill provides that in a county with a single county chief executive officer: (1) the initial county chief executive officer is elected in the second general election after the ordinance to change the structure of county government is approved; (2) the board of county commissioners is abolished; and (3) the membership of the county council continues under existing law.

End of Municipal Elections- The bill moves elections of municipal officers to even-numbered years.

Order of Offices on Ballot- The bill places city offices on the primary and general election ballots before (rather than after) township offices.

Public Employees Holding Elective Office- The bill provides that an employee of a political subdivision is considered to have resigned from employment with the political subdivision if the employee assumes the elected executive office of the political subdivision or becomes an elected member of the political subdivision's legislative body. The bill provides that the restriction applies to an employee of a political subdivision who assumes an elected office after June 30, 2010. The bill provides that the restriction does not apply to an employee of a political subdivision who holds elective office on June 30, 2010. The bill provides that the restriction does not prohibit an employee of a political subdivision from holding an elected office of a political subdivision other than the political subdivision that employs the government employee.

Local Government Nepotism- The bill prohibits a relative of an officer or employee of a political subdivision from being employed by the political subdivision in a position that would put the relative in a direct supervisory or subordinate relationship with the officer or employee. The bill provides that an employee of a political subdivision who marries another employee of the political subdivision may not continue in the same position if the employee would have a direct supervisory or subordinate relationship with the employee's spouse. The bill specifies that an employee of a political subdivision is not required by these provisions to be terminated or reassigned from any position held by that individual before July 1, 2010.

Vote Centers- The bill establishes the use of vote centers as an option for all counties. The bill requires the county election board to adopt an order designating a county a vote center county (VCC), adopt a plan to administer the vote centers, and file the order and the plan with the Election Division. The bill requires the county election board to accept and consider public comment before adopting an order designating the county as a VCC. The bill provides that designation of a county as a VCC remains in effect until the board rescinds the order designating the county as a VCC and files a copy of the rescission with the Election Division. The bill redesignates automatically as a VCC, a county previously designated as a pilot VCC.

Electronic Poll Lists- The bill provides that an electronic poll list must be programmed so that access to the list requires the coordinated action of two precinct election officials who are not members of the same political party. The bill allows an electronic poll list used at a vote center to include an electronic image of the voter's signature, if available.

Vote Center Report of Vote Total- The bill authorizes a precinct election board administering an election at a vote center to report the vote totals by precinct on election night.

School Board Elected at General Election- The bill provides that school board members selected by election must be elected at general elections beginning in 2010.

Repealers- The bill repeals the expiration date of the vote center program and provisions that: (1) require the Secretary of State's (SOS) approval of the vote center designation; and (2) allow the SOS to revoke the vote center designation. The bill repeals other obsolete and superseded statutes.

Effective Date: Upon passage; July 1, 2010.

Explanation of State Expenditures: *End of Municipal Elections-* The Election Commission would have authority to set rules for the drawing of precincts in municipalities that share incorporated areas between multiple counties. The Election Commission would be able to incorporate precinct boundaries during regularly scheduled business meetings.

Vote Centers- The Election Division would have to file the paperwork for new permanent vote centers adopted by a county election board. The Election Division's existing level of resources would be sufficient to carry out this provision.

Explanation of State Revenues:

Explanation of Local Expenditures: *County Chief Executive Officer-* This provision would have an indeterminable impact on local expenditures and would depend on county action. Under current law, the county fiscal body, which is currently the county council, determines salaries. Therefore, any savings with respect to salary of a county chief executive officer over county commissioners would depend on the

designation of salary by the county council. (See “*Background*” for information concerning commissioner salaries.)

End of Municipal Elections- There would be a cost savings to municipalities under this provision. Counties running municipal elections would save on election expenses with the elimination of municipal elections.

The bill provides that the municipal election of 2011 would be the last odd-year election. Municipal offices would be elected in even-numbered years after December 31, 2011. Successors to certain municipal office holders that would be elected in 2011 would be elected in 2014 at the earliest. Municipal judges elected in 2011 would run for reelection in the 2016 general election.

County Option- The bill would allow a legislative body to elect 50% of the legislative body during Presidential election years. An ordinance of this nature would have to be adopted in the year immediately preceding a non-Presidential election year.

Multiple-County Municipalities- For municipalities that have incorporated areas in more than one county, the county containing the greatest percentage of the municipality's residents would be required, upon written request, to establish the precincts in the municipality, supply those precincts with poll lists, and perform all other duties under election code as if the residents of the municipality from outside the county were residents of the county. Presumably, the savings from the cancellation of odd-year elections would be shifted to cover any expenditures that would occur under this provision.

School Board Elected at General Election- School board governing body members would be elected at general elections beginning with the 2010 general election. There would be minor cost adjustments from primary to general election budgets, primarily for ballot costs, in counties with primary-elected school boards.

Vote Centers- The establishment of vote centers could reduce the expenditures needed to conduct an election, including payment of fewer poll workers and printing of poll books. However, start-up expenses such as the establishment of an electronic poll book database could offset some of the potential savings. The impact on local expenditures would depend on the adoption of ordinances by county election boards (under unanimous approval) and resolutions of approval by both the county executive and county fiscal body.

Electronic Poll Lists- This provision could reduce time and expenditure of election officials by allowing the option to place electronic signatures into electronic poll lists.

Background- Election Expenses- Expenses to run an election include precinct election board per diem, rental of a facility for polling (if necessary), and/or voting equipment (if necessary.) Based on a small sample of Indiana counties, per diem for election board members ranges from \$65 to \$150 for inspectors and from \$40 to \$100 for judges, clerks, and sheriffs.

Elected School Boards- The Department of Education reports for school year 2008, 201 school boards are elected at primary and 76 are elected at general elections.

Vote Centers- Reduction of local expenditures would depend largely on requiring one vote center per 10,000 active voters (in counties with 25,000 or more active voters). The following table depicts the number of precincts vs. the potential number of vote centers statewide (if all counties established vote centers at a one-

to-10,000 ratio).

Table A. Voter Statistics					
Active Voters (4/30/2008)*	Minimum Vote Centers (one per 10,000 voters)	Inactive Voters (4/30/2008)*	Number of Active Precincts (5/6/2008)*	2008* General Election Registered Voters	2008* General Election Actual Voters Voting
3,912,413	391	406,144	5,346	4,514,759	2,805,986
*Most recent data available from Secretary of State.					

The impact would be overstated if it were assumed the number of precincts coincides with the number of polling places. Some precincts are housed together in the same polling place and rely on the same voting equipment. However, there would be an overall reduction in the number of polling places if every county maintained a vote center for at least 730 or more active voters. Each precinct is required to maintain a separate precinct election board. Assuming a ratio of one center per 10,000 voters was generally followed, hundreds of precinct election boards would be eliminated by vote centers. Any actual savings would vary by county since many paid precinct election board positions go vacant due to shortage of poll workers or already have been eliminated by various county election boards as unnecessary.

County Commissioner Salaries- The following table exhibits 2008 salaries of county commissioners, based on the available information submitted by counties. Some counties did not submit salary information; therefore, the following averages should be treated as approximate.

Table B. Commissioner Salaries by County Population	
County With a Population of:	Average Salary of a Commissioner
Greater than 150,000	\$43,344
100,000 to 150,000	\$38,138
50,000 to 100,000	\$22,171
40,000 to 50,000	\$21,629
35,000 to 40,000	\$20,056
30,000 to 35,000	\$19,171
25,000 to 30,000	\$17,204
20,000 to 25,000	\$16,484
15,000 to 20,000	\$14,876
5,000 to 15,000	\$11,559

Explanation of Local Revenues:

State Agencies Affected: Secretary of State, Election Division.

Local Agencies Affected: County election boards; County commissioners.

Information Sources: Secretary of State, Election Division; Department of Education; Association of Indiana Counties: *2008 23rd Annual County Fact Book*.

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